

Comments submitted on
National Animal Identification System Strategic Plan
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Introduction

The Oklahoma Cattlemen's Association (OCA) was established in 1952 as a non-profit association. The purpose of the OCA, as outlined in our original constitution, continues to be promoting the welfare of the cattle industry and promoting educational and scientific programs affecting the cattle industry. We are also charged with the responsibility of disseminating useful information, preventing cattle theft, promoting breeding and pasture improvements, as well as aiding in the control of cattle diseases.

For the past 54 years our association has worked diligently in these areas. Because of the responsibilities outlined by our forefathers we feel it is incumbent upon us to provide these comments on the draft Strategic Plan and Draft Program Standards documents for the National Animal Identification System (Docket No. 05-015-1).

We thank USDA for its willingness to reach out to the affected industries. It is imperative we not underestimate the challenges of establishing a program of this magnitude.

Fortunately our organization has experience in animal identification and process/source verification. We are the official Oklahoma State Brand Registrar under contract with the Oklahoma Department of Agriculture Food and Forestry. We have managed this program since its inception on behalf of the State. It is important to note Oklahoma is not a mandatory brand state or mandatory brand inspection state. Currently, under our voluntary system we have approximately 13,000 brands on file in our offices. Additionally we own and manage the Oklahoma Quality Beef Network (OQBN). The OQBN is a source and process verified system we developed four years ago to provide our producers with the tools they needed to widen their marketing options and improve their merchandizing. We have experienced marked success with this program and will continue to develop it.

We fully support the goal of being able to identify animals and premises that have had contact with a foreign or domestic animal disease within 48 hours. We support the concept of detection, isolation and eradication. We understand the importance of being able to do this quickly so that we can protect the health of the nation's herd.

We concur that there are a number of items at issue, which must be managed very carefully including confidentiality of data, whether the program will be mandatory or voluntary, program implementation and credibility and producer acceptance and ability to comply. We believe it is critically important that we have a true working relationship

between the industry, state officials and federal officials. Each of these are key components and none of them can be overlooked.

As an affiliate of the National Cattlemen's Beef Association (NCBA) we have worked closely with NCBA on this issue for the past two years. NCBA has initiated a number of efforts regarding animal identification and they, working with all of their state affiliates, have developed sound solutions that meet the needs of the USDA and APHIS as well as producers.

The comments we provide herein are a result of numerous local, county, district, and state beef producer meetings. We have discussed this issue at every meeting we have attended over the course of the past 18 months. While these meetings have taken place in different areas of the state, during different times of the year, with different production sectors in attendance (cow/calf, stocker, feeders), there are some very basic common denominators that rise to the surface when discussing animal identification.

Not surprisingly a major concern of our producers is confidentiality. Our producer members have no faith in USDA or any other federal agency for that matter, being able to keep data confidential. Time after time they have seen major missteps taken that have cost them real dollars. This is not a condemnation of the agency but rather an understanding of the realities that surround any large, multi-division, federal agency. By understanding the realities we can better manage them. The solution to the confidentiality issue is the creation of a single privately owned and managed database that allows appropriate access to animal health officials.

The second common denominator that has been prevalent at producer meetings has been the issue surrounding producer costs. We concur with the comments of the NCBA as it regards this issue. It seems clear that producers will bear the greatest cost associated with the NAIS. Therefore we must work to develop economic returns through the system, there should be a value proposition for producers, and cow/calf producers and markets should receive economic return for their investments.

The last common denominator that we would share is the issue of a mandatory system vs. a voluntary system. Livestock producers are independent businessmen and women who most generally oppose mandatory directives. Their level of opposition grows in direct proportion with the size, scope and confusion of the proposed system. While we understand the proposed timeline calls for a mandatory system by 2009, it is important to note that many producers, particularly smaller herd owners and older producers, have stated they will exit the business prior to being burdened by mandatory NAIS. We believe it is more important to focus on the creation of an effective surveillance and trace back program rather than dwell on how to mandate (and enforce) a system.

NAIS Strategic Plan Questions

Pursuant to the request of the USDA, the Oklahoma Cattlemen's Association submits the following answers to the questions provided by USDA:

Question 1) The Draft Strategic Plan calls for making the entire system mandatory by January 2009. Is a mandatory identification program necessary to achieve a successful animal disease surveillance, monitoring and response system to support Federal animal health programs?

Answer 1) We believe that the development—over time—of the NAIS should provide state and federal animal health authorities with the most successful animal disease surveillance system possible. We do believe the system envisioned by some at APHIS that would record every single movement where cattle are commingled with animals from another premises is unworkable by January 2009. The need to make the system mandatory will be lessened to the extent that a voluntary program is user friendly, cost effective, incorporates value propositions and meets the needs of the market place.

Setting arbitrary dates for implementation is meaningless until workable solutions can be developed for the dilemmas of tagging, movement scanning, and recording are addressed. Arbitrary dates will likely force industry to use currently approved technology and practices that will place a significant economic burden on industry. Industry and government should work together to develop a system that strives to provide the best surveillance system possible, under either a voluntary or mandatory format.

Question 2) In the current Draft Strategic Plan, the NAIS would require that producers be responsible for having their animals identified before the animals move to premises where they are to be commingled with other animals, such as the sale barn. At what point and how should compliance be ensured? For example, should market managers, fair managers, etc. be responsible for ensuring compliance with this requirement before animals are unloaded at their facility or event?

Answer 2) We understand animals must be identified or associated with original premises prior to commingling with animals from another premises. The program should retain the flexibility to identify the animals upon arrival at the premises where commingling will occur when this is the most convenient location for the process to occur.

Further discussion must continue to determine the standards that will be used for private treaty and commingling conditions. System standards should not be adopted that prove to be an impediment to commerce unless no other options exist. Large numbers of producers do not have facilities on their own properties to brand, tag or individually identify animals. We believe that weigh points, livestock markets and “custom tagging stations” may all have a role in identifying animals prior to, or as they enter, commerce.

We also believe it is important to understand that no one sector of the industry should bear the burden of tagging calves. While it may be appropriate for livestock markets to tag cattle for their customers, it should not be incumbent upon them to do so. There must be mutual agreement between the seller and the facility providing the service. Group lot identification should be utilized whenever possible.

Question 3) In regard to cattle, individual identification would be achieved with an AIN tag that would be attached to the animal's left ear. It is acknowledged that some producers do not have the facilities to tag their animals; thus, the Draft Program standards document contains an option for tagging sites which are authorized premises where owners or persons responsible for cattle could have their cattle sent to have AIN tags applied. Do you think this is a viable option or can markets or other locations successfully provide this service to producers who are unable to tag their cattle at their farms?

Answer 3) We believe that weigh points, livestock markets and “custom tagging stations,” etc., may all have a role in identifying animals prior to, or as they enter, commerce. We also believe this should be market driven and that sellers and those performing the service should make appropriate arrangements and business decisions regarding their respective roles. Group lot identification should be utilized whenever possible.

Question 4) The current Draft Strategic Plan does not specify how compliance with identification and movement reporting requirements to be achieved when the sale is direct between a buyer and seller (or through their agents). In what manner should compliance with these requirements be achieved? Who should be responsible for meeting these requirements? How can these types of transactions be inputted into the NAIS to obtain the necessary information in the least costly, most efficient manner?

Answer 4) We believe it is important to trust the parties in each transaction to report movements. To reduce duplicity of effort it seems prudent that the purchaser would be the responsible entity, however sellers have shared their interest in being able show the movement as well thereby “taking animals off of their books.” Regardless, for producers to have “buy-in” and become willing to participate, USDA should adopt systems for movement recording that producers will be most likely to accept and utilize. Our producers have been very vocal in telling us that they will be more likely to be willing to participate and record movement data in a privately held animal data system as opposed to a government owned and managed system.

Question 5) USDA suggests that animals should be identified anytime prior to entering commerce or being commingled with animals from other premises. Is this recommendation adequate to achieve timely traceback capabilities to support animal health programs or should a timeframe (age limit) for identifying the animals be considered?

Answer 5) We agree that identification requirements must consider the epidemiological risks and those animals should be identified at or prior to entering commerce or commingling environments. Group lot identification, including branding, should be considered for animals that move as a group or lot into and through commerce.

Question 6) Are the timelines for implementing the NAIS, as discussed in the Draft Strategic Plan, realistic, too aggressive (i.e. allow too little time) or not aggressive enough?

Answer 6) From the perspective of the need to implement a NAIS that will effectively work without causing major economic disruption to the industry, the implementation timeline will be far too aggressive if stakeholder concerns identified earlier in this document are not properly addressed.

We understand that there is a concern of some that NAIS is not being implemented fast enough, but implementing a poorly developed plan will result in producers not complying and basically ignoring plan requirements. We continue to caution USDA to implement the plan as the stakeholder concerns are properly addressed.

Question 7) Should requirements for all species be implemented within the same timelines or should some flexibility be allowed?

Answer 7) The OCA does not have a position on when the plan should be implemented for pork, poultry, sheep and goat or other food animals. We do believe there needs to be some consistency between the food species so as to not place one species at a competitive disadvantage to other species.

We believe the agency should proceed cautiously before implementing the same type of system for horses relative to movement recording. Many horses used on ranches as well as performance horses are moved to and from various premises at very high rates of frequency and compliance with such a system will be basically impossible to accomplish. Whereas the average beef animal may move on and off approximately three to six premises in their lifetimes, this number can easily run into the hundreds during the lifespan of many horses, thus making movement recording a monumental task.

Question 8) What are the most cost-effective and efficient ways for submitting information to the database (entered via the internet, file transfer from a herd management computer system, mail, phone, and third party submission of data)? Does the type of entity (e.g. producer, market, processing plant), the size of the entity, or other factors make some methods for information submission more or less practical, costly or efficient?

Answer 8) The flexibility of the database will determine the ability of the system to manage data in varying formats and styles. International experience indicates that consideration of the speed of commerce and the utilization of the best technology for the circumstance to be dealt with indicates that flexibility is possible to meet the needs of virtually every producer. Rigid standards for cow calf producers will serve as a barrier to participation. The industry is making the transition to useful technologies, as quickly as possible and uniform application of some technologies will greatly enhance the ability of the industry to meet the 48-hour trace back goal established by the Department. Our experience in the Oklahoma Quality Beef Network system has taught us that we must be flexible and willing to input the data for those producers who are unable to do so. Our Cooperative Extension Service has played a key role in this effort.

The farther into the production chain you move the flexibility for systems and formats become limited. USDA should strive for common standards at every opportunity and look for technology solutions that meet the needs of all segments of the industry.

Question 9) We are aware that many producers are concerned about the confidentiality of the information collected in the NAIS. Given the information identified in the draft documents, what specific information do you believe should be protected from disclosure and why?

Answer 9) Clearly stated, all producer information must receive protection from disclosure. In our candid opinion, anything less will result in an unworkable situation. We believe that all available measures should be taken to protect confidentiality of producers' information. First, we believe legislation should be enacted to protect producers' information. However, recognizing court interpretation of laws often deviate from the intent of Congress, we strongly believe that enactment of a law should not be the sole tool to protect information from being acquired by other agencies or become subject to a Freedom of Information Act disclosure requirement.

More importantly, we believe a FOIA firewall should exist by the creation of a private data network system that allows all animal information to be maintained outside the control of USDA. Should NAIS ever become mandatory, it is expected that animal data will be stored on a minimum of 60 million cattle owned by at least 1 million cattle producers in the early implementation of the system. Obviously, should unauthorized persons have access to this information; a dangerous situation will exist for producers. Knowing a private data management system can and should provide these animal health agencies with immediate access at any time of the day or night, we urge USDA to allow the industry to provide this service for them.

Question 10) The NAIS as planned would require States, producers, and other participating entities to provide information and develop and maintain records. How could we best minimize the burden associated with these requirements? For example, should both the seller and the buyer of a specific group of animals report the movement of the animals, or is reporting by one party adequate?

Answer 10) We support the current guidelines outlined in the NAIS that require a movement to be recorded upon delivery of cattle to the receiving premises. We also acknowledge that a dual entry approach for both shipping and receiving entities will ensure a greater accuracy of data entered into a system. In the early stages of NAIS implementation, a primary objective of movement reporting should be to make the process as user friendly as possible. Moreover, utilizing the various data entry methods will be a learning process for producers, especially those learning to utilize technologies available for this purpose. We would expect, as industry participants become increasingly familiar and comfortable with the various movement recording methods, USDA could reevaluate whether or not a “double entry” requirement is necessary in the future. We fear that a double entry requirement in the early stages of implementation would create ill will for NAIS, thus limiting participation. We urge USDA to consider the views of the buyer and the seller, and to build in flexibility in order to provide for the needs of both buyer and seller. Some sellers may understandably be reluctant to accept that the buyer has made the appropriate data entries on their behalf.

Question 11) APHIS is requesting comment from stakeholders regarding the utility of a privately managed database for holding animal location and movement information. Among the issues you may wish to comment on are the following: 1) How should a private database system be funded? 2) Should the NAIS allow for multiple privately managed databases? 3) Should a public (government) system be made available as well as a privately managed system so that producers would have choice? 4) Should a privately managed system include all species? 5) Would either system work equally well at the state level?

Answer 11-part 1) A single centralized database held in the private sector can and will provide the greatest flexibility in use for USDA. Much of the costs associated with the development in the private sector have been born by existing entities. Our Board of Directors as well as our national organization, NCBA and its Animal Identification Commission has estimated that a minimal tag surcharge will adequately cover the costs of implementing a system. All producers would pay the same rate and the system, operated though an independent consortium, could regularly evaluate its operations for greater efficiency.

We believe our very successful voluntary state brand registration program is evidence of the private sectors ability to manage a program cost effectively.

Answer 11-part 2) A single private network system should exist that allows an unlimited number of qualified private companies to offer movement recording services to producers and feed such movement information to this system.

Answer 11-part 3) The government should not offer a system that competes with a private sector network system. A private system can and should allow producers who do not wish to use a private company to be able to enter movement information at no cost associated with movements. Producers utilizing existing systems should be able to continue to utilize those systems.

Answer 11-part 4) A privately managed network system should accommodate all species covered by NAIS.

Answer 11-part 5) With a miniscule amount of funds available to most state animal health agencies, we do not believe states will be able offer an animal database system as efficiently and effectively as a private animal database network. Many producers have an innate skepticism about providing information to state and federal animal health authorities; therefore we believe the private database network system will work better for both the nation's animal health authorities and producers alike.

Conclusion

The Oklahoma Cattlemen's Association commends APHIS for providing the industry the opportunity to comment on an issue that will arguably have one of the most significant impacts on the cattle industry of any issue we have faced. There remain several challenges that must be addressed before the NAIS can be implemented in a way that does not place a significant economic burden on producers and the industry's handling and processing infrastructure. This potential burden could not only come in the form of slowing the rate of flow of livestock through our infrastructure (markets, order buying operations, etc.), but would also cost producers in the form of excessive stress, shrink and injury. We strongly urge USDA to take our comments seriously and work with the industry to develop a partnership with the goal of utilizing each other's strengths and resources to implement a system that provides the industry an effective tool to better manage the nation's cow herd and our animal health officials with the best disease surveillance system.